

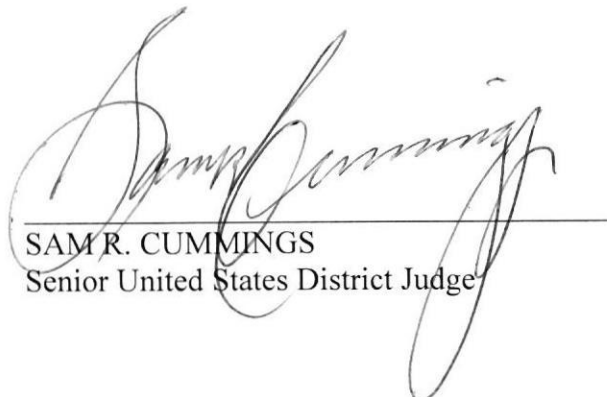
Order, the Court found, among other things, that Plaintiff's request for punitive damages had been abandoned based on his more definite statement and dismissed his individual capacity claims.² Plaintiff did not file an appeal from the partial dismissal. Therefore, Plaintiff's objections are **OVERRULED**. The Court **ACCEPTS** and **ADOPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The Court will enter a separate scheduling order, setting forth dates for pretrial deadlines and filing dispositive motions.

The Court also finds that Plaintiff's "Motion for a [sic] Order for Pain and Suffering" (Doc. 40) should be construed as a response to the Report and Recommendation. The Clerk is directed to terminate the motion on the docket.

SO ORDERED.

Dated April 12, 2021.



SAM R. CUMMINGS
Senior United States District Judge

² The Magistrate Judge acknowledged Plaintiff's prior request for damages, "[h]owever, in his more definite statement, Wagner stated that 'as relief in this action all I want is dentures and follow-up physical therapy for my sore gums.' [Doc. 17 at 12.] By this statement, the Court construes Wagner's current claim solely as a claim for injunctive relief and considers his prior claims for compensatory and punitive damages abandoned." (Doc. 33 at 13-14.)